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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 10-05286 (SMB)

**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, the Trustee's Statement of Material Facts in Support of Trustee's Motion for Summary Judgment, the Declaration of Oren J. Warshavsky in Support of Trustee's Motion for Summary Judgment, with all exhibits attached thereto, and upon all the prior pleadings and proceedings herein, Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the "Trustee"), by and through his counsel, will move this Court, before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Courthouse, One Bowling Green, New York, New York 10004, for an order granting the Trustee's motion in the above-captioned adversary proceeding for summary judgment on Count One of the Trustee's Amended Complaint (ECF No. 112) pursuant to Rule 56 of the Federal Rules of Civil Procedure (made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure and Southern District of New York Local Bankruptcy Rule 7056-1), together with such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that the parties will submit a proposed stipulation for the Court's review and approval concerning an agreed-upon briefing schedule for the service and filing of Defendant's answering papers and Plaintiff's reply papers. Oral argument on this motion is currently scheduled for **April 3, 2019** at 10:00 a.m.

Dated: December 21, 2018  
New York, New York

Respectfully submitted,

**BAKER & HOSTETLER LLP**

By: /s/ Oren J. Warshavsky  
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